

MINUTES

Tuesday, August 17, 1999
State Capitol, Room 403
Salt Lake City, Utah
3:00 - 5:00 pm

Present: Judge Joseph Anderson, Dan Becker, Georgia Block, Douglas Bodrero, Rep. Afton Bradshaw, Gary Dalton, Craig Dearden, Pete Haun, Sen. Joseph Hull, Reed Richards/Jan Graham, Mike Sibbett, Gregory Skordas, Sheriff Mike Spanos, Ronald Vance and David Yocom. **Excused:** Jan Graham, Chief Richard Hendricks, Richard McKelvie, John T. Nielsen, Judge Sandra Peuler and Marilyn Sandberg. **Staff/Visitors:** Camille Anthony, Chyleen Arbon, Mary Lou Bozich, Amy Bryson (Deseret News), Susan Burke, Bill Dinehart, Marvin Dodge, Ron Gordon, Jennifer Hemenway, Justin Jones, Ed McConkie, Chevan Nanayakkara, Helen Stromberg, Darrin Underwood.

Chairman Doug Bodrero convened the meeting at 3:18 pm and welcomed those in attendance. Gary Dalton made a motion to approve the minutes of the June 15, 1999 Commission meeting. Craig Dearden seconded the motion and the motion passed.

Jacob Wetterling Compliance Status – Ron Gordon. The last time this group met we discussed a few changes we were going to make they were policy changes Department of Corrections made in their policy manual and we included those in our submission to the Department of Justice. We don't expect to have a response for at least several months. In that response it argued that we are in compliance with Jacob Wetterling Act and we requested a two year good faith extension with the Pam Linchner Amendments. There are still some issues, basically we need to see if there are going to be more amendments to those Pam Linchner bills before we make significant policy changes and we did request a two year extension on that. Just today I spoke with the office of general council for the Department of Justice, they had a couple of questions regarding our Jacob Wetterling submission, just a few clarification questions. I was encouraged that their questions were as simple as they were and they didn't have significant problems with our submission. They complimented us and said that our packet was very detailed and very thorough. We will continue to keep you updated as we hear more information from the Department of Justice.

Camille: I just want to comment and thank Ron for his hard work on this issue. Pete may be the only other person that is aware and maybe Mike of how convolute and difficult this has been and

with Pete's staff help and Ron have really done a good job. When I got the call from the Office of Council. I think Ron deserves a lot of credit for getting the product through that office, at least so far.

Byrne Abstracts - Marvin Dodge. Every year we come before you when we get down to the planning for the strategy for the next year of Byrne funding and ask for concept papers basically for any new grant program that you want to build into the drug strategy for issues that are out there. You'll notice at the very bottom I put a deadline of Thursday, September 30, 199 for abstracts to come in. Once we have received those we will meet with the Executive Committee to review abstracts and try to prioritize funding and begin formulating what will become our fiscal year 2000 strategy for Byrne.

It does look like with legislation heading through congress in Washington that Byrne will be funded at our FY99 level at funding. \$3.8 million to be allocated to local programs and state programs under the Byrne grant. Historically we have used a 60-40 split \$2,280,306 for local programs and \$1,520,204 for state programs. Just to draw your attention to local programs (I will meet with the chiefs and sheriffs to talk about this) they are \$52,194 over what their projected allocation will be. So, unless we pass mustard with Jacob Wetterling the locals will have to cut some dollars out of some of those continuation programs. Continuation programs – with Byrne funding a program may receive up to 4 years of funding for a project. The numbers that are listed there represent continuation funding to programs that are currently underway. That would leave under this scenario \$366,204 available for funding new programs. So as you work on these abstracts that \$366,204 number is the amount of money we are anticipating we'll have to fund new programs. Attached to the back of it are the 26 Program Areas – Programs must fit into one of those 26 categories.

Report on Meeting with Bill Pelfrey, Ph.D., Virginia Commonwealth University, Department of Criminal Justice – Camille Anthony. Look at the data and see if it matters if we estimate, if it matters what the denominator is. If we are using U.S. census data or Utah census data and so we are going to try and get a picture of each of those research methods and then I think we will be able to make some comparisons and make some decisions. Utah, in our Public Safety Crime in Utah report we don't estimate for non-reporting jurisdictions. Something we as a staff have talked about doing I think this will not make that decision immediately and consult with public safety and consider based on what the tracking data shows whether or not we want to start estimating or not. I feel good about it who knows what he'll come up with. He was complimentary and anxious to work with us in the state and I guess I just ask anyone in the meeting from staff if they have anything to add to that. We are not paying for this and we didn't even ask for us. It was sort of volunteered by our federal contact. The Department of Justice has money appropriated to it for technical assistance so it is taking money out of that fund to have this gentleman do the analysis.

Judge Anderson: will it have a distinction between juveniles and adults?

Camille: It will, that is something we talked a lot about. Actually the data on juvenile crime is some of the best data to go by because you know that it is juvenile and it is a compartmentalized group of data that you know a lot about simply because it is juvenile data. It was just a really interesting

discussion and reflection on sort of our last 3 or 4 years of trying to come up with the best research methods. Trying to market those and make them make sense to people that aren't criminal justice professionals and what it all means. I think it will be a benefit. He may be willing to come and present it. If we do it right we'll get a copy and we'll be able to preview that – respond sort of like we do an audit and he'll come back to the state and maybe it would be appropriate to have him appear before a legislative committee.

Gary: I was just going to suggest that maybe it would be interesting to invite some of the legislative members to attend his report at the November meeting.

Crime Reduction.

A. Plan – Mike Haddon: The deadline on the Crime Reduction Surveys has come and gone but we are still wide open to receive surveys back. We met in Provo with the Chief and Sheriff's last week we are getting close enough to the September 22 deadline where we feel like we need to start compiling the issues, but we have left the door open for chiefs and sheriffs to continue sending surveys in if they have some they want to report. As you know our focus has been on local law enforcement as well as state criminal justice agencies as the legislation required. I am really pleased with the survey response. The numbers are out dated a little bit – we have received about 140 different crime surveys back from local law enforcement as well as state agencies. People outside the system a little bit like Georgia Block and Russ Van Vleet. From local law enforcement we have about 64 to 65% of the state's population covered by survey respondents.

Camille: I want to spend just a minute on the survey information and a little bit of what the Law Enforcement Planning Committee has gone through. We have had three meetings and this is a group of chiefs and sheriffs that have agreed to meet together on basically a monthly basis to represent those to association in working very closely with us on the surveys. The last meeting we had last week was very enlightening. The first couple of meetings were really to form and by that I mean: what should we include in the survey questions, what shouldn't we. No one had really put any substantive data in place. Now that we had received several of the surveys we were able to start talking about specific topics and as we spoke we took a little turn for a while and it sounded like they no longer wanted to talk about the issues in the surveys but that they wanted to talk about the system. Which was so interesting because as we know Sheriff Spanos represents the sheriffs on the Commission and Rich Hendricks represents the chiefs and the discussion that was ensued was very much like what we discussed here at the Commission meeting on a monthly basis. They basically walked through the system and took law enforcement, jail and detention, prosecutors, courts, corrections and adult probation of parole and Board of Pardons and basically did form their perspective what the system needed from each of these criminal justice entities in order to 1) receive accountability, and 2) get consistent data that would allow us to draw conclusions of where the gaps are so that we could even talk about where we could focus to reduce crime. As they listed from their opinion under each of these entities what they needed there were some unique things but there was also some things being developed. I don't want to go into a lot of detail but I think something that we should all be thinking about is this approach because we represent the system of where we can be accountable. Rather than throwing out the whole set of survey data because there is some really

valuable information. I think as a staff we have concluded that we will make this one of the many issues to be prioritized in the whole list of issues like; drugs, juvenile crime, property crime and I think we will call it something like system accountability. What they suggested and we will need more discussion and I think at our annual retreat we'll finalize this is that it would be helpful for each piece of the system to measure four basic items and that would be 1) your clearance rate, in other words how many cases as a prosecutor or a district attorney do you have in and how many do you resolve and what is the time period for that resolution similar to law enforcement or judges; 2) what is your response rate, now that may mean different things to different parts of the system. Again remember that this is coming from law enforcement. When they get a call how long does it take them to respond for the courts that will mean something completely different and we will have to define what response rate means; 3) availability, it doesn't matter if a law enforcement officer gets a call if there is no one available to respond. Do you have prosecutors available for the case load that you are dealing with; and then finally; 4) capacity and that goes to some of the numbers as well and it may refer to how many beds do you have vs. how many do you need. How many prosecutor do you have how many judges. If everybody had common standards for measuring and reported on that in a uniform fashion at least it was this group of criminal justice professional's feeling that we would be able to draw some conclusions in a more uniform manner and that would be a first step in the process to making decision of how we could reduce crime. We went through this whole process and as you can imagine and as it sometimes gets that way here there was a lot of airing of grief with certain pieces of the system. I will report that all of us took hits so it was equal. And they gave themselves some hits as well. They recognize some of the short comings that law enforcement have. I think it was all very healthy discussion. I don't think it was destructive or just finger pointing for the sake of finger pointing. I think it was an earnest effort on their part to figure out how we were ultimately going to come up with some percentage of reduction in crime. That gives you a flavor. The bottom line that they concluded and why they felt they needed that kind of information across the board is that the overall feeling that none of us can deal with the volume. The volume is so high that we're making critical decisions and taking care of them but some of the other things are going by the way side and that is starting to effect the other pieces of the system. Until you can assess where those weaknesses are you are not going to get your percentage decrease and you are not going to have an accurate picture of the percentage of budget increase or the percent of overall budgets in a city or a county or a state or frankly a nation that need to go to resolve the issue. I don't know if that is helpful for you to get a little bit of insight in the kinds of things we are talking about. In addition to that, Mike help me remember kind of the top topics that have been...

Mike: Far and away drugs was the number 1 problem above and beyond any other problem. From there we had juvenile justice resource officers, juvenile drug crime. Actually quite a few wanted information systems, sharing information among jurisdictions and government. Then we started getting smaller categories, crime in recreational areas, one or two on domestic violence and gangs. A few of those trickled in but there was certainly a pattern of surveys that we received. The nice thing about the surveys is that we will be able to develop the strategic plan as the legislature requires at the end. We will talk about your broad visions, your goals and your objectives but we are actually going to get down to the nuts and bolts of activities, what practical steps will we take to solve some of these problems.

- B. Budgets and Grants – Justin Jones: We have been awarded \$150,000 (the appropriation for House Bill 145 sponsored by Representative John Swallow) for this crime reduction process. We will be awarding a \$15,000 grant to Salt Lake County, planning for the statewide conference all of the things that we have done so far to get information that we have we have estimated at \$5,000. The conference itself we are estimating at around \$25,000. To publish the results of the conference around \$5,000. Leaving a balance of \$100,000 for grants to local law enforcement.

Camille: Let me just add to that – those grants to local law enforcement, we have non lapsing authority on this so it maybe that one of the things that come out of the conference in St. George is some formula or some way to get some money to those local agencies that might need it. So we've got more than just this year to spend that out if we need to.

Gary: When you say grants to local law enforcement agencies do we literally mean to only law enforcement agencies or could that go to local court that wanted local seed money to start a drug court or something.

Camille: I think it could go to local law enforcement or state criminal justice agencies because that is what is defined in the legislation. The court is a state criminal justice agency for purpose of this legislation, it would be up to them if they were going to apply for it.

Gary: I use that as an example I just didn't want to limit ourselves by that statement that it could be used for local law enforcement agencies only.

Doug: Limited except in use, and the use would have to be tied to some type of crime reduction goal or plan.

Camille: I don't think there is enough there. Part of it is there is not enough to actually implement a program that would have substantive impact on crime or reduce crime. Since it is such a new thing I'm not sure local criminal justice agencies really know what is required for planning. I think that is all kind of in the mix right now. That would also be available to all state criminal and juvenile justice agencies. It has been out there and we've talked about do you need some funding for planning purpose, no one has requested it yet.

- C. Conference – Justin Jones: The conference itself will be held in St. George at the Dixie Center. We have currently some of the agencies that are directly involved registered to attend that.

Camille: some of you have to be there, Pete, Gary, Dan, Craig your agencies are listed in the legislation if someone else on the Commission is interested in attending we would love to accommodate that. You are going to get your chance on September 30th and October 1st at our annual meeting to go through this same process. It is not a command performance, but if you have an interest in joining law enforcement and those state agencies if you would just contact Justin we will accommodate you however you think is appropriate.

Justin: reviewed the draft agenda

- D. Audit Status – Camille Anthony: Darin from the Auditor’s Office is in the back. Many of you have had an opportunity to speak with him. I wanted to give you an overview of when this audit will be finished. And I am sure that Darin is hoping sooner rather than later. We have met and just to remind you this audit is covering some broad topics. It is the legislator auditor general that is doing it. Not the State Auditor. It is the request of Representative Swallow and it is to report back to the Legislative Audit Committee. That will likely occur mid September. In our discussion we anticipate having a draft of this audit the first week of September. The thought of that is that staff and members of the Commission could review it and we would actually be able to use our September 7th Executive Committee meeting for an exit interview on the audit. So, we will have about a week turn around on that. Give our input on the 7th and then it would go to the legislative audit subcommittee on September 15th. At that point in time this audit becomes a public document and it can be used in the St. George conference with law enforcement, they are on the agenda even though it is not out yet for the September 29th Crime Reduction Task Force meeting that will be here at the Capitol. I discussed with them participating in our annual retreat, having question an answer and involving the findings of their audit into our crime reduction plan so that we save the time of a year trying to implement something but maybe try to put it in simultaneously. It is interesting that on September 29, 1999 the Auditors are going to present their findings. I think there will be some positive things about the system and undoubtable they will identify some things that can be improved. I anticipate following them on the agenda saying we’ve identified these things that can be improved. This is a process report but we think this is how we are going to go about doing it. It may be the quickest turn around in a response from a system to an audit that has ever occurred. We hope that’s the way it works out. We’ve been working closely enough together that I think we know where the problem areas are and our staff has already anticipated at least generally how we can address some of those issues in the crime reduction plan. That gives you a brief outline of where we think it goes. We don’t control that, the Auditor’s staff does and frankly when the legislative audit committee chooses to assemble themselves especially because there is not interim in the month of September is really out of our hands. This is our best guess at how that’s going to unfold.

Afton: What is the scope of the audit.

Camille: Let me give you my version and then if Darin is comfortable he can supplement that. Criminal Justice Policy making – how we make crime policy in the state – Data issues unique to CCJJ and BCI but that also involves OTRAC it involves and they are very much aware of the juvenile justice system rewrite we are doing – and then I think CCJJ directly on our planning history or lack there of of planning and our ability to evaluate effectiveness of current criminal and juvenile justice programs. Darin would you have anything to add on the scope?

Darin: This is how it came out on the request in connection with the crime reduction plan and the initial scope was to look at some of the crime statistics and we very frankly moved beyond that fairly quickly and I think the trend is showing that crime seems to be coming back again. We wanted to move more quickly into some of the organizational issues about how we come to decision making in the state. So what Camille said is right on we have some findings that deal with criminal justice data, evaluation and planning.

- E. Task Force Remaining Meeting Dates – August 25, September 29, October 27 and November 10 from 9am to noon.
- F. Continuum of Substance Abuse Services for Solving Utah’s Drug-Related Crime Problem – Mary Lou Bozich

Camille: While she is coming up let me just tell you what this is. Pete and I had a discussion about we’re doing budgets for this next session, we are talking crime reduction, we’ve got some tobacco money that we are trying to plan for and his staff is going nuts trying to come up with all the numbers for all of it. What Mary Lou is going to walk you through is something that we are going to present to the crime reduction task force next week and it actually has implications for all of the things I just talked about. Hopefully the Commission is doing its job in coordinating all of those efforts and will be able to utilize some really good information that has resulted again as part of the crime reduction plan. As Mike said drug issues are the number one item coming in from local law enforcement. I think what Mary Lou is about to explain to you and will explain to the task force is a real innovative approach to trying to deal with that issue. So, I’ll let her walk you through it and you do have a handout in your packet.

Mary Lou: As you are aware CCJJ has been providing significant assistance to the crime reduction task force since they began their efforts in June. That came out of their identifying what they are looking at as the driving force behind crime in the State and that being the drug issue. So we have assisted them in putting together some drug

CCJJ Annual Retreat.

- A. Reconfirm Dates – September 30 and October 1.
- B. Location to be announced.

Federal Legislative and Budget Update – Camille Anthony.

Weapons Legislation – Ron Gordon and Camille Anthony. Ron: there are several pieces of draft legislation out there right now and Camille just asked that I give you a brief overview of two of those pieces. The first one is weapon restrictions in schools. This makes two major changes: the first one you see on page one of the draft currently there are two statutes that regulate the possession of dangerous weapons in schools. The first one is in title 53a the second one is in title 76. This change would clarify that the provision in title 53a only applies to dangerous materials other than a dangerous weapon. The reason for that is you see on page two title 76 regulates the possession

of dangerous weapons in schools. Apparently there is some confusion because it is possible to read title 53a as regulating the possession of weapons. This just clarifies that and says title 76 regulates the possession of dangerous weapons in school, title 53a regulates the possession of dangerous materials other than a dangerous weapon. The other change is found on page two, we create a new statutory section 76-10-505.6 this is a provision relating to possession of a weapon on a school premise by a concealed firearm permit holder. This provides certain exceptions and those exceptions are in subsection 1b on line 60. It says on school premises does not include an outdoor area of implied access to the school which area consists of roadways, parking lots, and walk ways and sidewalks which are adjacent to a roadway or parking lot. Essentially what this means is that a concealed weapon permit hold would be able under this legislation to accompany a child to school, drop a child off at school by using the school parking lot by using the school sidewalks and not be in violation of state law. This provides those exceptions for the permit holders.

The second working draft is Weapons Restrictions Amendments. This makes several changes in the law. Turn to page two and you see that on lines 41 through 44 are a few additional items that are to be reported and to be recorded. These things deal judgments of not guilty by reasons of insanity, judgments of guilty of mentally ill, findings of mental incompetence to stand trial and orders of civil commitment. Under current law it is illegal for someone who has been declared mentally incompetent to possess a weapon. However, there is no data base to access that information. These amendments will provide the mechanism to do that by defining to the groups who have been declared mentally incompetent to possess a weapon and those are the items that you see listed on line 41 through 44.

Camille: Can I just mention that in addition the concern with limiting it to those four items was that there be some form of due process for someone who is mentally ill before they are denied the ability to purchase a weapon. Those are the areas in current law that provide for due process. There has been discussion about adding a fifth item which is not under current law and that would be simply be a finding by the judge that this person is incompetent to purchase, possess and carry a concealed weapon. That is not something that is currently in place. It would be an additional process for the court and at the time of this working draft we were still talking about a special session and it was decided it was something we didn't want to do in a special session. My feeling is that we will see that sort of an open ended opportunity for a judge to make that finding somewhere in the future. I believe it is supported by the mental health board as long as there is some form of due process in making that finding. I say that because this says working draft, I can't stress to you enough how working draft this is. That is something you should be aware of.

Ron: I think the middle portion of this will make more sense after discussing the latter portion of this. Turn to page eight where you see a rewrite of section 76-10-503 beginning on line 235. This rewrite would create three categories of restrictive persons for possession, ownership of weapons. You see the different criteria defined in category 1, category 2 and category 3 I won't go into that in detail but I will point out that lines 243 through 247 attempt to define what is another

Other.

- Next CCJJ Executive Committee Meeting is September 7th at 3:00
- We will not hold Commission meeting on September 21st because of the Annual Retreat scheduled for September 30th and October 1st.

Doug: I would like to raise an item that is not on the agenda, and maybe Pete can help us out a little bit. I was very surprised when I read this morning's Tribune about our incarceration rates. Then later on this morning I was running some errands and KSL had their talk shows on and people were calling in and law enforcement officers saying what is going on we hear people aren't put in prison because it is over crowded now we hear that we are not over crowded and I think that is an issue of part of the story being told in the media. I think for the commission sake Pete